



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the Application of:

SAVERIO C. FALCO ET AL.

ATTY. DOCKET NO.: BB-1167-B

APPLICATION NO.: 09/720,384

GROUP ART UNIT: 1652

FILED: DECEMBER 21, 2000

EXAMINER: BUI, PHUONG

CONFIRMATION NO.: 2363

FOR: GENES ENCODING SULFATE ASSIMILATION PROTEINS

RECEIVED

PRELIMINARY AMENDMENT
AND RESPONSE TO RESTRICTION REQUIREMENT

OCT 21 2002

Commissioner of Patents and Trademarks
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

This is a Preliminary Amendment and Response to the Restriction Requirement Office Action mailed June 5, 2002. A Petition for Extension of Time for three (3) months up to and including October 7, 2002 (Monday) is filed simultaneously herewith. Please enter the following:

IN THE CLAIMS:

Please cancel claims 1-11 without prejudice to or disclaimer of the subject matter recited therein.

Please add the following claims 12-19:

12. (new) An isolated nucleic acid fragment encoding an APS kinase comprising:

- (a) a nucleotide sequence encoding an amino acid sequence of at least 80% sequence identity, based on the Clustal method of alignment, when compared to SEQ ID NO:4; or
- (b) a complement of the nucleotide sequence of (a).

13. (new) The isolated nucleic acid fragment of Claim 1 wherein the nucleic acid fragment is a functional RNA.

14. (new) The isolated nucleic acid fragment of Claim 1, wherein the nucleotide sequence of (a) comprises SEQ ID NO:3.

15. (new) A chimeric gene comprising the isolated nucleic acid fragment of Claim 1 operably linked to at least one regulatory sequence.

16. (new) A transformed host cell comprising the chimeric gene of Claim 4.

17. (new) A method of altering the level of expression of a sulfate assimilation protein in a host cell comprising: